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REMARKS

In response to the Final Office Action mailed on 4/18/2008, the Applicant respectfully requests reconsideration. Claims 1 – 7, 9, and 10 are pending in this Application. Claims 1, 8, and 11 are hereby canceled and Claims 2—9 are hereby amended to depend from Claim 10.

Claim Rejections - 35 U.S.C. §101

Claims 1—7 and 9 were rejected under 35 U.S.C. §101 as directed to non-statutory subject matter. Applicant has canceled Claim 1 and amended the remaining Claims to depend solely from Claim 10, which claims statutory subject matter. Applicant respectfully requests withdrawal of this rejection.

Claim Rejections - 35 U.S.C. §102

Claims 1 – 7, 9, and 10 were rejected under 35 U.S.C. §102(a) being anticipated by U.S. Patent Application No. 2002/0035486 (hereinafter Huyn). This amendment cancels Claim 1 and makes all remaining Claims dependent from Claim 10 in order to clearly place all claims in better condition for allowance.

The Examiner continues to argue that the cited language of Huyn anticipates all elements of Claim 10 without regard to the Applicant's traverse. Applicant's traverse clearly explained that the Examiner failed to cite any language teaching or implying a hierarchical relationship of users as recited by Claim 10. Because this rejection was therefore improper, Applicants respectfully requested its withdrawal and now must reiterate that request.

As noted in the Applicant's earlier traverse, the paragraphs cited by the Examiner only describe a question hierarchy (as cited by the Examiner, "questions are structured into hierarchical levels," Huyn at ¶0013; "the hierarchical level of questions," ¶0053; "the sequentially deeper levels of questions," ¶0074 [emphasis added]). Contrary to the Examiner's

assertion, Huyn simply does not teach or suggest “defining and tracking... each of said user’s hierarchical relationship to other said users” (emphasis added).

The Examiner’s “Response to Arguments” on p. 13 of the Final Office Action fails to provide any further support for this rejection. Instead, the Examiner reiterates her previous argument that “sequentially deeper levels of questions” anticipates a “user’s hierarchical relationship to other [] users.” The Applicant must, respectfully, point out that a hierarchical relationship of questions does not imply any relationship among or between users of the questionnaire system. In fact, there is no mention or even a suggestion of a user hierarchy anywhere in Huyn. Applicant must strongly protest the repeated assertion of an anticipatory reference without even a single piece of supporting evidence.

As no teaching of “defining and tracking... each of said user’s hierarchical relationship to other said users” is to be found in Huyn, this reference cannot anticipate Claim 10. It follows then that the Huyn reference cannot form a proper basis for a §102(a) rejection. Applicant thus respectfully reiterates his request for reconsideration and withdrawal of this §102 rejection.

Since Claims 2 – 7 and 9, as amended, now depend from Claim 10, and Claim 10 is thus clearly distinguished from the teaching of Huyn, Applicant requests reconsideration and withdrawal of the §102(a) rejection of Claims 2 – 7 and 9.

Summary

Applicant believes that Claims 2—9 and 10 as amended are in condition for allowance. A notice to this affect is respectfully requested. Furthermore, Applicant believes there is no fee required for this amendment.

Respectfully submitted,

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